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| 09/458,321      | 12/10/1999  | Yong Ho Son          | 533/040             | 8721             |

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EXAMINER

SRIVASTAVA, VIVEK

ART UNIT PAPER NUMBER

2611

DATE MAILED: 07/16/2003

22

Please find below and/or attached an Office communication concerning this application or proceeding.

10

# Office Action Summary

Application No.

09/458,321

Applicant(s)

SON ET AL.

Examiner

Vivek Srivastava

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 10-13, 15-18 and 20-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-13, 15-18 and 20-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 U.S.C. § 103***

**I. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**II. Claims 10-13, 15-18 and 20-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw (6,104,392) in view of Utsumi (6,195,677, previously cited).**

Considering claim 10, Shaw discloses a client device meeting the 'STT' limitation (col 12 lines 6-7) requesting a session for content in the multimedia video-on-demand distribution system (see col 8 lines 1-10) from an service provider (see UAP server 50 and web server 64 in fig 1). Further Shaw discloses determining the performance factors of the client device (col 11 lines 21-34, col 9 lines 56-67) meeting the 'capability level of the STT limitation' and characteristics of the network (col 11 lines 21-45) meeting the "capability level of the network' limitation. Shaw also discloses adapting Internet protocol links according the performance of the settop (col 11 lines 21-35, col 9 lines 56-67) thus meeting the 'selecting, from a plurality of available video content and navigational assets stored on the service provider equipment' limitation. Further, Shaw discloses providing Internet protocol links (col 11 lines 21-35) meeting the 'providing selected video content and navigational assets' limitation, wherein the navigational assets are met by the protocol links, the video content is met by the requested video content which a viewer observes. Finally, Shaw discloses the protocol links comprise, video

information, graphics information, and control information since the links are video information, comprise graphics so a viewer can observe the links, and comprise control information enabling the user to select the links (see col 11 lines 21-35, col 9 line 56 - col 10 line 3).

Shaw fails to disclose the claimed determining the capability level of the STT at the service provider equipment. Utsumi teaches determining the capability level of terminals and the communication network at a server (see col 15 lines 46 - col 16 line 50) and also teaches a data processing unit at the server manages providing data to a plurality of terminals via a plurality of communications networks (see col 6 lines 6-16). It would have been obvious determining the capability level of each STT and communication network would provide determination of capabilities from a single central location in lieu of a plurality of STT locations which would also result in a reduction in cost associated with STT for determining the capability level and reduced upstream bandwidth required for transmitting the capability level upstream from the STT to the server each time a request is made for data. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Shaw to include the claimed determining the capability level of the STT and the network at the service provider equipment to have a centralized location for determining the capability, a reduction in cost associated with each STT and to minimize upstream bandwidth consumption for transmitting upstream from the STT to the server every time a request is made.

Shaw fails to disclose wherein the STT is configured to tune, downconvert and depacketize the video content and assets since Shaw discloses transmitting video and assets via the internet. It would have been obvious modifying Shaw to include tune, downconvert and depacketize video content and assets by transmitting data via satellite or broadband cable would have provided video content and assets to a user faster over a higher bandwidth network. Therefore, it would have been obvious to one having ordinary skill in the art at the time the

invention was made to modify Shaw to include the claimed limitations to provide data over a faster network having higher bandwidth.

Considering claim 11, Shaw discloses the claimed 'bandwidth capability' (see col 11 lines 21-25).

Regarding claim 12, Shaw discloses the claimed asset data base (see col 8 lines 39-44, col 9 line 56 - col 10 line 18, col 11 lines 31-45).

Considering claim 13, Shaw discloses the claimed selecting from the asset database, an asset having associated with it the capability level of the STT requiring the asset (col 11 lines 31-45, col 9 line 56 - col 10 line 3).

Considering claim 15, Shaw discloses control information (hyperlinks for the Java applets, see col 8 lines 38-59) are transmitted based indicative of navigational assets within the database (col 11 lines 31-45, col 9 line 56 - col 10 line 3) having with them an associated capability level of the STT receiving the initial navigational asset (col 11 lines 31-45, col 9 lines 56 - col 10).

Considering claim 16, Shaw discloses wherein said navigational assets comprise applets (col 8 lines 38-46) including video information, graphic information and control information (col 8 lines 38-59) wherein applets are stored at the server (col 8 lines 38-44) and provided to a user when a user interacts with the control information needed at the STT indicative of the need for applets (col 8 lines 31-59, control information met by logical operators needed for hyperlinking to web page).

Regarding claim 17, claim 17 discloses the same subject matter as claim 1 above, including the claimed "each of the STT have a common video processing architecture, plurality of control architecture and graphics processing capability" since each STT can process video, graphics and control information and only differ with respect to varying capabilities of performances (see col 11 lines 21-35, col 9 line 56 - col 10 line 3).

Shaw fails to disclose the claimed determining at the service provider equipment the capability level of each STT. See claim 1 for obviousness.

Considering claim 18, Shaw discloses the claimed optimizing provided information in 'real time' (col 8 lines 38-45, 'real time' met by sending a dynamically created web page to user when requested).

Regarding claim 20, see claim 10.

Regarding claim 21, see claims 1 and 17.

Considering claim 22, Shaw discloses requesting information from a web browser and discloses the requested web pages navigational Java applets (see col 8 lines 38-50).

Regarding claim 23, claim 23 discloses the same subject matter as claims 1 and 17 above, including the claimed "session controller, storing, within a data base, information indicative of the video processing capability of the STT" (col 8 lines 39-44, col 9 line 56 - col 10 line 18, col 11 lines 31-45).

Considering claim 24, Shaw discloses providing graphical assets to be provided to STT (col 8 lines 38-55) wherein the assets are adapted to the capability levels of the STT (col 8 lines 38-55, col 11 lines 31-45, col 9 line 56 - col 10 line 18) and wherein the information indicative of the graphics processing capabilities of the STT are stored in a database (col 8 lines 39-44, col 9 line 56 - col 10 line 18, col 11 lines 31-45).

Considering claim 25, Shaw discloses the claimed wherein each of the associated STT has associated with it control capability (col 8 lines 30-35, control capability met by 'logical operators' and 'operations'), wherein session controller provides control related assets to the STT (col 8 lines 38-63, control related assets met by hyperlinking information for controlling access to web pages) in accordance with the control capability associated with each STT being stored in the database (col 8 lines 39-44, col 9 line 56 - col 10 line 18, col 11 lines 31-45, the

limitation is met since each STT has a control capability, and the control capabilities are stored in the database).

Considering claim 26, Shaw discloses a client device which a predefined graphical capability (col 11 line 21 - col 12 line 8, col 9 line 56 - col 10 line 3), and a plurality of predefined logical operations and logical operators (see col 8 lines 25 - 37) meeting the 'control capabilities' limitation wherein the server provides the appropriate graphics and operations/operators based on the STT capability (col 8 lines 1-38, col 11 lines 31-35, col 9 line 56 - col 10 line 18).

Regarding claim 27, see claims 1 and 17.

Considering claim 28, see claim 15.

Considering claim 29, see claim 16.

### ***Response to Arguments***

Applicant argues that nowhere in the Shaw reference is there any teaching or suggestion of "determining at the service provider equipment, for each set top terminal requesting a session for video content in the multimedia video-on-demand distribution system, a capability level of said STT and a capability level of the distribution network".

First the Examiner realizes that the settop in Shaw is not a conventional settop as defined in the television art. However, the settop in Shaw meets the broadly claimed settop. The Examiner urges applicant's to more clearly define the settop and its application in the television art. The Examiner respectfully disagrees with Applicant's assertion the Shaw fails to disclose "determining at the service provider equipment, for each set top terminal requesting a session for video content in the multimedia video-on-demand distribution system, a capability level of said

STT and a capability level of the distribution network". Shaw does indeed disclose the claimed limitations as discussed above.

Applicant argues that nowhere in Shaw is there any teaching or suggestion that the client devices of Shaw tune, downconvert, depacketize or operate in a similar manner as defined by the applicant's settop terminal.

The Examiner concurs that Shaw fails to disclose the claimed limitation. However, it would have been obvious to modify Shaw to include the claimed limitation.

Applicant argues that Utsumi reference fails to bridge the substantial gap as between the Shaw reference and the Applicant's invention.

The Examiner respectfully disagrees. Utsumi was introduced to simply teach "determining the capability level of terminals and the communication network at the service provider equipment" and since Shaw discloses the broadly claimed settop, Utsumi does bridge the gap between Shaw and Applicant's invention.

### ***Conclusion***

**III. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.**

Legall et al - searching a television guide via the Internet

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Commissioner of Patents and Trademarks

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**or faxed to:**



(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308- 5399 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038.  
The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Andy Faile, can be reached at (703) 305 - 4380.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

VS

7/11/03



VIVEK SRIVASTAVA  
PATENT EXAMINER